

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Edward Tsigel	Team: Squad #4	CCRB Case #: 201909576	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 11/02/2019 3:00 PM	Location of Incident: 75th Precinct stationhouse	Precinct: 75	18 Mo. SOL 5/2/2021	EO SOL 12/17/2021	
Date/Time CV Reported Mon, 11/04/2019 2:31 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 11/04/2019 2:31 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Rodney Greenidge	28511	932743	075 PCT
2. An officer			075 PCT
3. POM Joshua Ganshaw	08463	966072	075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Joshua Bienvenue	00000	945511	075 PCT
2. DT3 Steven Vanmanen	3050	939629	075 DET

Officer(s)	Allegation	Investigator Recommendation
A.POM Rodney Greenidge	Abuse: Police Officer Rodney Greenidge searched § 87(2)(b)	
B.POM Joshua Ganshaw	Abuse: Police Officer Joshua Ganshaw searched § 87(2)(b)	
C. An officer	Abuse: An officer searched § 87(2)(b) recording device.	

### Case Summary

On November 4, 2019, § 87(2)(b) called the CCRB and filed this complaint.

On November 2, 2019, at approximately 3:00 PM, at the 75<sup>th</sup> precinct stationhouse, Police Officer Rodney Greenidge and Police officer Joshua Ganshaw, both of the 75<sup>th</sup> Precinct, opened and searched § 87(2)(b) packages (**Allegations A and B – Abuse of Authority - § 87(2)(g)**). An officer allegedly tampered with § 87(2)(b) cell phone (**Allegation C - Abuse of Authority – § 87(2)(g)**). § 87(2)(b) was arrested for criminal possession of marijuana, criminal sale of marijuana, and operating a major drug ring as a result of this incident. § 87(2)(b)

This case was reassigned from Investigator Olga Bentin to Investigator Edward Tsigel.

The CCRB received four Body Worn Camera (BWC) videos (IA's 67-70) and five stationhouse camera videos (IA's 30-34) of this incident.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Rodney Greenidge searched § 87(2)(b)**

**Allegation (B) Abuse of Authority: Police Officer Joshua Ganshaw searched § 87(2)(b)**

§ 87(2)(b) is a partial owner of a business that sells CBD oil products derived from hemp. He regularly receives shipments of hemp from § 87(2)(b) located in Vermont. § 87(2)(b) stated (BR 01) that he was expecting nine packages of hemp to arrive at his apartment at § 87(2)(b) in Brooklyn on November 2, 2019. At approximately 2 PM, § 87(2)(b) received a phone call from PO Greenidge, who stated that his packages were at the 75<sup>th</sup> precinct stationhouse and that he could come to the stationhouse to retrieve them. At approximately 3 PM, § 87(2)(b) arrived at the 75<sup>th</sup> precinct stationhouse. PO Greenidge told § 87(2)(b) that he had opened the packages and determined that the contents tested positive for THC (chemical compound present in marijuana). PO Greenidge arrested § 87(2)(b) for the above listed drug related charges.

PO Greenidge (BR 02) and PO Ganshaw (BR 03) both stated that on November 2, 2019, at approximately 10:06 AM, they were on patrol when they received a radio run regarding potential marijuana packages at the Fedex office located at § 87(2)(b) in Brooklyn. When they arrived, Fedex personnel told PO Greenidge and PO Ganshaw that they had already opened one of the packages and suspected that nine packages contained marijuana. PO Greenidge escorted a Fedex truck back to the 75<sup>th</sup> precinct stationhouse in his police vehicle, while PO Ganshaw drove in the Fedex truck to safeguard the packages. Once they arrived at the stationhouse, PO Greenidge and PO Ganshaw opened the packages. PO Greenidge and PO Ganshaw both stated that they opened the packages because they were required to get a count of all the contents in order to accurately voucher them. Once they opened the packages, it was determined that they belonged to § 87(2)(b). PO Greenidge and PO Ganshaw both believed that § 87(2)(b) contact information was located inside of the packages that they had opened. An unknown officer called § 87(2)(b) and requested that he come to the 75<sup>th</sup> precinct stationhouse. Neither PO Greenidge nor PO Ganshaw could recall which officer called § 87(2)(b). Once § 87(2)(b) arrived at the stationhouse, he provided consent to test the contents of the packages for the amount (percentage) of THC present in the hemp. Lieutenant Joshua Bienvenue field tested the contents and determined that the hemp tested positive for THC. PO Greenidge and PO Ganshaw arrested § 87(2)(b) for drug related charges. PO Greenidge and PO Ganshaw vouchered § 87(2)(b) packages as arrest evidence (BR 04).

The arrest report (BR 05), complaint report (BR 06), and PO Greenidge's and PO Ganshaw's memo book entries (BR 07 and 08 respectively) are all consistent with PO Greenidge's and PO Ganshaw's statements.

Neither BWC footage (IA 67-70) nor stationhouse footage (IA 30-34) captured PO Greenidge or PO Ganshaw vouchering § 87(2)(b) packages.

In **United States v. Van Leeuwen, 397 U.S. 249**, (BR 09) the court held that letters and other sealed packages are in the general class of effects in which the public at large has a legitimate expectation of privacy; warrantless searches of such effects are presumptively unreasonable. Even when government agents may lawfully seize such a package to prevent loss or destruction of suspected contraband, the Fourth Amendment requires that they obtain a warrant before examining the contents of such a

package.

§ 87(2)(g)

**Allegation (B) Abuse of Authority: An officer searched § 87(2)(b) recording device.**

It is undisputed that § 87(2)(b) phone was vouchered (BR 04) for safe keeping subsequent to his arrest on November 2, 2020. The property clerk invoice worksheet lists PO Greenidge as the arresting officer and PO Ganshaw as the invoicing officer (BR 04).

On November 3, 2020, § 87(2)(b) (BR 01) saw a judge regarding his charges. The charges were dropped, and he was released from custody. He returned to the 75<sup>th</sup> precinct stationhouse to retrieve his belongings that were vouchered during his arrest. § 87(2)(b) did not remember who he spoke to at the stationhouse to retrieve his belongings. § 87(2)(b) received his cell phone and discovered that it was in “safe mode.” He did not specify what “safe mode” meant but stated that he believed that an officer had tampered with his cell phone. § 87(2)(b) did not know which officer tampered with his cell phone.

PO Greenidge (BR 02) and PO Ganshaw (BR 03) both confirmed that PO Greenidge was the arresting officer and that PO Ganshaw assisted PO Greenidge with the arrest paperwork. They both stated that they were the only two officers responsible for vouchering § 87(2)(b) belongings and were the only officers who had access to § 87(2)(b) cell phone before it was vouchered in a sealed property bag and put in the property storage room. Neither officer remembered the condition of § 87(2)(b) cell phone prior to it being vouchered. Neither officer remembered if they instructed § 87(2)(b) to turn his cell phone off prior to it being vouchered. Both PO Greenidge and PO Ganshaw stated that they did not tamper with or attempt to access the contents of § 87(2)(b) cell phone and did not see any other officers do so. Neither PO Greenidge nor PO Ganshaw were present at the stationhouse when § 87(2)(b) returned on November 3, 2019 to retrieve his belongings.

From 10:00 to 11:30 of PO Greenidge’s BWC 3/3 (BR 10) Detective Steven Vanmanen, of the 75<sup>th</sup> precinct detective squad, is seen holding § 87(2)(b) phone and other belongings at the front desk while PO Greenidge fills out arrest paperwork. Det. Vanmanen places § 87(2)(b) belongings into a voucher bag and hands it to PO Greenidge. PO Greenidge escorts § 87(2)(b) into the holding pen. From 4:57:00 to 5:03:00 of stationhouse holding pen footage (BR 11) PO Greenidge is seen walking into the holding pen with the voucher bag. PO Greenidge puts § 87(2)(b) into a cell and leaves the holding pen with the voucher bag containing § 87(2)(b) belongings. At no point throughout any BWC or stationhouse footage (IA 30-34, 67-70) is any officer seen looking through § 87(2)(b) phone or tampering with it in any way.

PO Greenidge and PO Ganshaw were responsible for safekeeping § 87(2)(b) belongings. Both officers denied tampering with § 87(2)(b) cell phone or knowing of any officers who did so. None of the available footage reveals any officer tampering with § 87(2)(b) cell phone. § 87(2)(g)

**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 12).
- Police Officer Rodney Greenidge has been a member of service for seventeen years and has been a subject in two CCRB complaints and five allegations, none of which were substantiated. § 87(2)(g)
- Police Officer Joshua Ganshaw has been a member of service for two years and this is the first CCRB complaint to which he has been a subject.

**Mediation, Civil and Criminal Histories**

- This case was not eligible for mediation.
- § 87(2)(b) filed a notice of claim with the City of New York claiming false arrest, false imprisonment, negligence, intentional infliction of emotional distress, negligent infliction of emotional distress, outrageous conduct giving rise to persona injuries, prima facie tort, defamation, violation of civil rights in accordance with 42 USC 1983, negligent hiring and retention, and negligence in officer training and instruction and is seeking \$8,000,000 as redress (BR 13).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(e)]  
[REDACTED]

Squad No.: 4

Investigator: <u>Edward Tsigel</u>	Investigator <u>Edward Tsigel</u>	<u>6/7/2021</u>
Signature	Print Title & Name	Date

Squad Leader: <u>Raquel Velasquez</u>	IM <u>Raquel Velasquez</u>	
<u>6/7/2021</u>	Print Title & Name	Date
Signature		

Reviewer: _____	_____	
Signature	Print Title & Name	Date